



0000162166

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

SUSAN BITTER SMITH
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

DOCKETED

MAY 26 2015

DOCKETED BY

2015 MAY 26 A 9:48

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
NEW HORIZONS COMMUNICATIONS CORP.
DBA NHC COMMUNICATIONS, INC. FOR
APPROVAL OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RESOLD LONG DISTANCE, RESOLD LOCAL
EXCHANGE, AND FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATION
SERVICES.

DOCKET NO. T-20529A-14-0392

ORIGINAL

PROCEDURAL ORDER
(Schedules a Hearing)**BY THE COMMISSION:**

On November 17, 2014, New Horizons Communications Corp. dba NHC Communications, Inc. ("NHC" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N"), to provide resold long distance, resold local exchange, and facilities-based local exchange telecommunication services within the State of Arizona.

On February 13, 2015, NHC filed a revised proposed tariff in an amendment to its application.

Also on February 13, 2015, NHC filed its Responses to Commission's Utilities Division's ("Staff") First Set of Data Requests.

On March 5, 2015, NHC filed a supplement to a response in its February 13, 2015 Data Request responses.

On March 26, 2015, a change of address was file for Michael W. Patten, attorney for Applicant.

On April 1, 2015, NHC filed a replacement page to its proposed tariff as a supplement to its application.

Also on April 1, 2015, NHC filed its Responses to Staff's Second Set of Data Requests.

1 On April 6, 2015, a Notice to the Parties was filed by the Administrative Law Judge assigned
2 to this matter.

3 On April 9, 2015, NHC filed its Responses to Staff's Third Set of Data Requests.

4 On May 21, 2015, Staff filed its Staff Report recommending approval of NHC's application,
5 subject to certain conditions.

6 Pursuant to Arizona Administrative Code ("A.A.C.") R14-3-101, the Commission now issues
7 this Procedural Order to govern the preparation and conduct of this proceeding.

8 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held
9 on **July 14, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's office,
10 1200 West Washington St., Hearing Room No. 1, Phoenix, Arizona 85007.

11 IT IS FURTHER ORDERED that **New Horizons Communications Corp. dba NHC**
12 **Communications, Inc. shall publish, by June 16, 2015, notice of the application and hearing**
13 **date** in a newspaper of general circulation in every county of Arizona in which **New Horizons**
14 **Communications Corp. dba NHC Communications, Inc.** desires to provide service, in the
15 following form and style, with the heading no less than 10 point bold type and the body no less than 6
16 point regular type:

17 **IN THE MATTER OF THE APPLICATION OF NEW HORIZONS**
18 **COMMUNICATIONS CORP. DBA NHC COMMUNICATIONS, INC. FOR**
19 **APPROVAL OF A CERTIFICATE OF CONVENIENCE AND NECESSITY TO**
20 **PROVIDE RESOLD LONG DISTANCE, RESOLD LOCAL EXCHANGE, AND**
FACILITIES-BASED LOCAL EXCHANGE TELECOMMUNICATION SERVICES.
DOCKET NO. T-20529A-14-0392

21 On November 17, 2014, New Horizons Communications Corp. dba NHC
22 Communications, Inc. ("NHC" or "Applicant") filed with the Arizona Corporation
23 Commission ("Commission") an application for a Certificate of Convenience and
24 Necessity ("CC&N"), to provide resold long distance, resold local exchange, and
25 facilities-based local exchange telecommunication services within the State of
26 Arizona. NHC's application also requests a determination that its proposed services
27 are competitive in Arizona. The Commission's Utilities Division ("Staff") has
28 recommended approval of NHC's application, subject to certain conditions. The
Commission will issue a Decision following consideration of testimony and evidence
presented at an evidentiary hearing. The Commission is not bound by the proposals
made by NHC, Staff, or intervenors. If the Applicant's application is approved, NHC
will be required to provide service under the rates, charges, terms, and conditions
established by the Commission. Copies of NHC's application, the Staff Report, and
any written objections to the Staff Report filed by the Applicant are available at
NHC's offices [Insert Company Address]; at the Commission's Docket Control

Center at 1200 West Washington Street, Phoenix, Arizona; and on the internet via the Commission's website (www.azcc.gov) using the e-Docket function.

The Commission will hold a hearing on NHC's application on **July 14, 2015, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. You may also file your written comments electronically by going to the Commission's homepage at www.azcc.gov and clicking on "Submit a Public Comment" button or mailing a letter referencing **Docket No. T-20529A-14-0392** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to NHC or its counsel and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, telephone number of the proposed intervenor, and of any person upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a member or shareholder of the Applicant, etc.);
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case; and
4. If the proposed intervenor is not represented by an attorney who is an active member of the Arizona State Bar, and is not an individual representing himself or herself, information and any appropriate documentation demonstrating the intervenor's compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before July 2, 2015. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. All parties must comply with Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to the practice of law.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, at SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

1 IT IS FURTHER ORDERED that **New Horizons Communications Corp. dba NHC**
2 **Communications, Inc. shall file, by July 2, 2015, an Affidavit of Publication** with the
3 Commission.

4 IT IS FURTHER ORDERED that **all motions for intervention shall be filed by July 2,**
5 **2015** and shall be in accordance with A.A.C. R14-3-105.

6 IT IS FURTHER ORDERED that any **objections to intervention(s) shall be filed by July**
7 **10, 2015.**

8 IT IS FURTHER ORDERED that **specific disagreements/comments, if any, to the Staff**
9 **Report or New Horizons Communications Corp. dba NHC Communications, Inc.'s application**
10 **shall be filed by July 2, 2015.**

11 IT IS FURTHER ORDERED that **all parties must comply with Arizona Supreme Court**
12 **Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before**
13 **the Commission and admission *pro hac vice*.**

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
16 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
17 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
18 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
19 Law Judge or the Commission.

20 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
21 Communications) applies to this proceeding and shall remain in effect until the Commission's
22 Decision in this matter is final and non-appealable.

23 IT IS FURTHER ORDERED that each party to this matter may opt to receive service of all
24 Procedural and Recommended Orders issued by the Commission's Hearing Division in this matter
25 via e-mail rather than U.S. Mail, as permitted under A.A.C. R14-3-107(B). To exercise this option, a
26 party shall send to hearingsdivision@azcc.gov, from the e-mail address at which the party desires to
27 receive service, an e-mail request including the name of the party on whom service is to be made, and
28

1 the docket number for this matter. After a party receives an e-mail confirmation of its request from
2 hearingsdivision@azcc.gov, the party will receive all future Procedural and Recommended Orders
3 issued by the Hearing Division in this matter via e-mails to the address provided by the party, unless
4 and until the party withdraws its request. Service of a document via e-mail shall be considered
5 complete upon the sending of an e-mail containing the document to the e-mail address provided by a
6 party, regardless of whether the party receives or reads the e-mail containing the document.

7 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
8 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
9 hearing.

10 Dated this 26th day of May, 2015.

11
12
13 
14 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

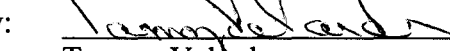
15 Copies of the foregoing mailed
16 this 26th day of May, 2015 to:

17 Michael W. Patten
18 SNELL & WILMER, LLP
One Arizona Center
19 400 E. Van Buren Street, Suite 1900
Phoenix, AZ 85004
20 Attorneys for New Horizons Communications
Corp.
21 dba NHC Communications, Inc.

22 Janice Alward, Chief Counsel
Legal Division
23 ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
24 Phoenix, AZ 85007

Steven Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, AZ 85007

COASH & COASH
COURT REPORTING, VIDEO AND
VIDEOCONFERENCING
1802 North 7th Street
Phoenix, AZ 85006

25 By: 
26 Tammy Velarde
27 Assistant to Sasha Paternoster
28